

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KEVIN WAGNER,	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	
	:	
BRISTOL TOWNSHIP,	:	NO. 02-4713
Defendant.	:	

O R D E R

AND NOW, this day of February, 2003, the mediation of this case having proven unsuccessful at reaching a resolution in this case, the following is hereby ORDERED:

1) the Stipulation and Order dated January 6, 2003, (Doc. 9) holding this case in abeyance is VACATED.

2) the Defendant's Motion to Dismiss filed on September 23, 2002 (Doc. 6), is DENIED as MOOT. Instead, the Court will only consider the arguments made in the Defendant's Motion to Dismiss Plaintiff's First Amended Complaint filed on January 29, 2003 (Doc. 11).

3) It is ORDERED that the Plaintiff shall respond to the Defendant's Motion to Dismiss Plaintiff's First Amended Complaint no later than February 10, 2003.

AND IT IS SO ORDERED.

Clarence C. Newcomer, S.J.